

FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

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COMMISSION  
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MAY 14 10 13 AM '99

FIRST GENERAL COUNSEL'S REPORT

**SENSITIVE**

RAD REFERRAL: 99NF-02  
DATE ACTIVATED: 3/5/99

STAFF MEMBER: Jose Rodriguez  
Karen White

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Pepsi-Cola Bottlers Association-PAC and Allen Fleischer, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(i)  
11 C.F.R. § 104.5(c)(1)(i)(A)

INTERNAL REPORTS CHECKED: Referral Materials  
Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of General Counsel received a referral from the Reports Analysis Division on February 22, 1999. The basis of the referral is the failure of the Pepsi-Cola Bottlers Association-PAC and Allen Fleischer, as treasurer, ("Respondents") to file timely their 1998 October Quarterly Report.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends that the Commission find reason to believe Respondents violated 2 U.S.C. § 434(a)(4)(A)(i).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Pepsi-Cola Bottlers Association-PAC and Allen Fleischer, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), and enter into conciliation with Respondents prior to a finding of probable cause to believe.
3. Approve the attached proposed Factual and Legal Analysis, conciliation agreement and the appropriate letter.

Lawrence M. Noble  
General Counsel

Date

8/13/99

BY:

  
Lois G. Lerner  
Associate General Counsel

Attachments:


1. Factual and Legal Analysis
2. Proposed Conciliation Agreement



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Washington, DC 20463

MEMORANDUM

TO: Lawrence M. Noble  
General Counsel

FROM: Marjorie W. Emmons/Lisa R. Davis   
Commission Secretary

DATE: May 19, 1999

SUBJECT: RAD Referral #99NF-02 - First General Counsel's Report  
dated May 13, 1999.

The above-captioned document was circulated to the Commission  
on Friday, May 14, 1999.

Objection(s) have been received from the Commissioner(s) as  
indicated by the name(s) checked below:

Commissioner Elliott	<u>XXX</u>
Commissioner Mason	<u>XXX</u>
Commissioner McDonald	—
Commissioner Sandstrom	<u>XXX</u>
Commissioner Thomas	<u>XXX</u>
Commissioner Wold	—

*This matter will be placed on the meeting agenda for*

Tuesday, May 25, 1999.

Please notify us who will represent your Division before the Commission on this matter.